

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:06CV168-H

UNITED STATES OF AMERICA

)

vs.

)

REAL PROPERTY LOCATED AT 3648
POPLIN ROAD, MONROE, NORTH
CAROLINA

)
)
)

**CONSENT ORDER
FOR DISMISSAL**

WHEREAS, the United States filed a verified complaint on April 7, 2006, for the forfeiture of the defendant property, and this Court found probable cause for such forfeiture and issued a warrant for arrest in rem; and,

WHEREAS, on or about April 12, 2006, the Marshals Service duly executed the warrant for arrest in rem as to the defendant property, as shown by the Form USM-285 submitted herewith; and,

WHEREAS, on or about June 21, 2006, Rose Black filed a pro se answer and claim asserting an ownership interest in the defendant property; and,

WHEREAS, Dennis Black, through counsel, filed a verified claim on or about June 23, 2006, and an answer on or about July 10, 2006; and,

WHEREAS, for purposes of this consent order only, the parties agree that the pleadings filed by claimants shall be deemed to constitute a verified claim (or statement of interest) and an answer duly filed under 18 U.S.C. §983(a)(4) and Rule C(6)(A) and (to the extent applicable) Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, and,

WHEREAS, the parties stipulate that there is probable cause for forfeiture of the defendant property and that the United States District Court for the Western District of North Carolina has jurisdiction hereof; and,

WHEREAS, the parties have agreed as follows: (1) the complaint herein shall be dismissed, without prejudice; and (2) each party shall bear its own costs, including attorneys fees; and,

WHEREAS, the parties consent to the United States Magistrate Judge conducting all proceedings, including entry of this Consent Judgment, pursuant to 28 U.S.C. §636(c);

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on April 7, 2006. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.
2. Process was fully issued and returned in this action.
3. The parties have agreed to dismissal of the complaint, as provided above.
4. The actions taken by the United States were reasonable and proper.

Based on the foregoing findings, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The complaint is hereby dismissed, without prejudice; and,
2. Each party shall bear its own costs of this action, including attorneys fees.

Signed this the 26th day of March 2007.

Carl Hoen, III
UNITED STATES MAGISTRATE JUDGE

ON MOTION OF AND WITH CONSENT OF THE PARTIES:

FOR THE UNITED STATES OF AMERICA:

GRETCHEN C. F. SHAPPERT
United States Attorney

By W A Bradford
WILLIAM A. BRAFFORD
Assistant United States Attorney

Rose B Black
ROSE BLACK

Date: March 23, 2007

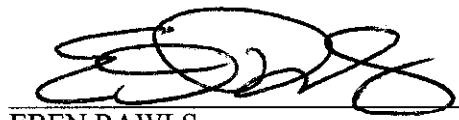
Date: 3/20/07

Dennis Black
DENNIS BLACK

Date: 3-10-07

Joe Ledford
JOE LEDFORD
Attorney for Dennis Black

Date: 3-10-07



EBEN RAWLS

Attorney for Rose Black

Date: 13 March 2007

U.S. Department of Justice
United States Marshals ServiceRECEIVED USMS **PROCESS RECEIPT AND RETURN**
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	United States of America	12 PM 3:47	COURT CASE NUMBER 3:06CV168-H
DEFENDANT	RP Located @ 3648 Poplin Rd., Monroe, NC (Black, D)		TYPE OF PROCESS Compt for Forfeiture/Writ for Arrest

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
SERVE	AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285
William A. Brafford U.S. Attorney's Office 227 W. Trade St., Ste. 1650, Carillon Building Charlotte, NC 28202	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Field Field

DEA Agency Case# KF-05-0091

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 704-344-6222	DATE 04/11/06
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 58	District to Serve No. 58	Signature of Authorized USMS Deputy or Clerk Yvette B. Ammons	Date 4/12/06
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I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc., shown at the address inserted below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
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Address (complete only different than shown above)	Date	Time	<input type="checkbox"/> am <input type="checkbox"/> pm
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Service Fee	Total Mileage Charges including <i>endeavors</i>)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
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REMARKS: 4/12/06; faxed to Kathleen to put into JDIS
4/28/06 entered into JDIS